

## REMARKS

This Response is submitted in reply to the Office Action dated November 19, 2007. Claims 18-35 are pending in the present application. Claims 18 and 31 are in independent form. Enclosed is a Three-Month Extension of Time to reply to the Office Action. Please charge deposit account 02-1818 for all fees due in connection with this Response.

The Office Action noted that in order to obtain the benefit of foreign priority under 35 U.S.C. §119, that a certified English translation of the foreign application DE 10214117.7 must be submitted. Applicant has enclosed a certified copy of DE 10214117.7 and a certified English translation of DE 10214117.7 with this Response.

In the Office Action, the drawings were objected to because Figure 1 and 2 should have been designated as Prior Art. Applicant has designated Figs. 1 and 2 as "Prior Art", and the replacement drawings are labeled "Replacement Sheet" in accordance with 37 CFR 1.84(c). No new matter has been added by these replacement drawings. In light of the present amendment, Applicant submits the objectionable matter has been addressed. Withdrawal of the objection is earnestly requested.

The Office Action provisionally rejected claims 18-35 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 20-34 of Application No. 10/556,856. For purposes of advancing the prosecution of this application, Applicants have elected to overcome such rejection through the enclosed Terminal Disclaimer. Such election shall not be deemed an admission as to the propriety or accuracy of the Office Action's conclusions or rejections.

The Office Action rejected claims 18-26 and 29-35 under 35 U.S.C. §102(e) as being anticipated by Larsson (WO 02/082751). The Office Action rejected claim 27 under 35 U.S.C. §103(a) as being unpatentable over Larsson (WO 02/082751). The Office Action indicated that claim 28 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In rejecting independent claims 18 and 31, the Examiner states that Larsson discloses "*by transmitting at least one pilot signal from a transmitter to a receiver* (for example see figs. 8 and 10; wherein management frame, i.e. beacon signal or "pilot signal", is transmitted from the sending station to the receiving stations as TP\_Request as disclosed in page 25, lines 19-25) *the*

*method comprising: calculating, by the receiver, an assignment table in respect of the transmission modes using at least one pilot signal* (for example see step 706 in fig. 7; page 6, lines 10-25; where the receiving station measures power  $P_{RX}$  and interference  $I_{RX}$  of the received signal for determining transmission power  $P_{TX}$  and link adaptation LA, based on the TP\_request assigned for each corresponding element ID disclosed in management frame, i.e. “assignment table”, disclosed in fig. 12).” However, Applicant respectfully asserts that the Examiner is misinterpreting Larsson with regards to reading the “beacon” of Larsson as the “pilot signal” recited in independent claims 18 and 31. Larsson states “[s]pecifically, in an IEEE 802.11 BSS the AP sends the BEACON, whereas non-AP STAs does not send any BEACON, and as a result, the IBSS solution does not work.” (See Larsson, page 25, lines 10-18) Accordingly, the beacon disclosed in Larsson is limited to transmission from access points. Access point and non-access point stations are not distinguished with regards to the “pilot signal” recited in independent claims 18 and 31. Moreover, the “beacon” of Larsson is not the same as the “pilot signal” of independent claims 18 and 31. Accordingly, the cited portions of Larsson do not disclose, teach, or suggest “transmitting at least one pilot signal from a transmitter to a receiver, the method comprising: calculating, by the receiver, an assignment table in respect of the transmission modes using at least one pilot signal,” as claimed in independent claims 18 and 31. Accordingly, Applicant respectfully disagrees with, and traverses such rejection. Dependent claims 19-30 and 32-35, depend from independent claims 18 and 31, and the Office Action relies on Larsson as the basis of rejection of these claims.

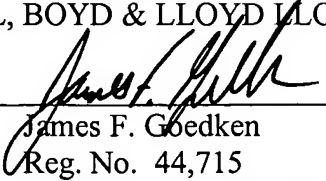
For all the reasons provided above, Applicant submits that all of the claims are in condition for allowance. An earnest endeavor has been made to place this application in condition for formal allowance and such action is courteously solicited. If the Examiner has any questions regarding this Response, applicant respectfully requests that the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

  
\_\_\_\_\_  
James F. Goedken  
Reg. No. 44,715  
Customer No.: 29177

Dated: May 19, 2008